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Regulations and Non-Regulatory Revisions to State Implementation Plan: Wyoming

Atlantic Environmental Associates, Inc.
Waltham, MA

Prepared for

Environmental Protection Agency
Research Triangle Park, NC

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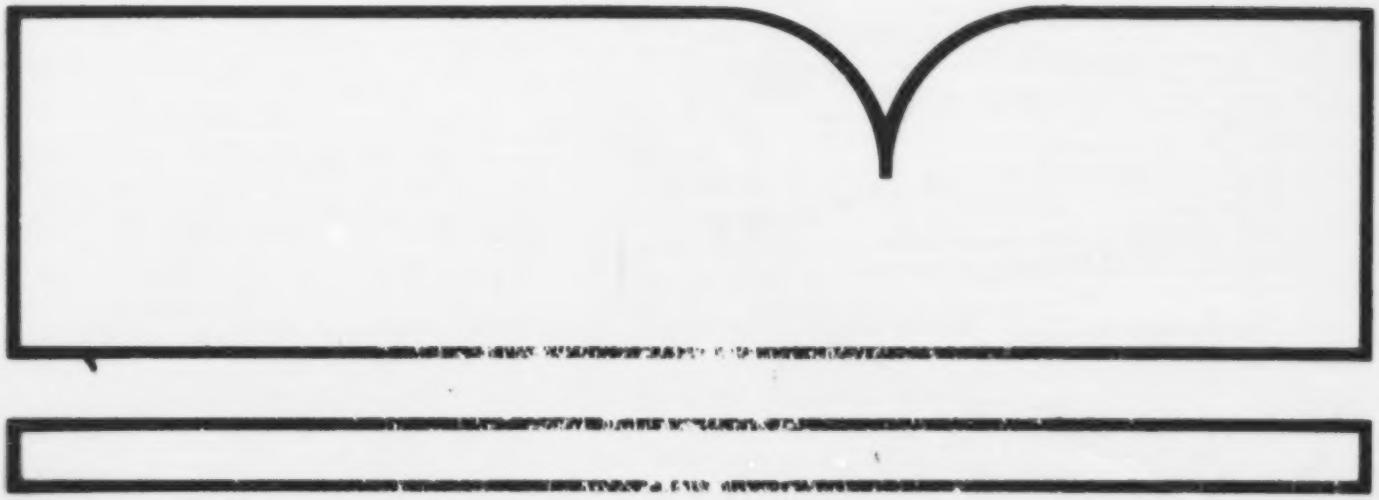

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Regulations and Non-Regulatory Revisions to State Implementation Plan: Wyoming

By

Atlantic Environmental Associates, Inc.
59 Vernon Street
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Contract No. 68-02-3565

EPA Project Officer: Willis P. Beal

Prepared for,

U.S ENVIRONMENTAL PROTECTION AGENCY
Control Programs Development Division
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July 1981

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16. ABSTRACT

This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, which mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA-approved State and/or local air pollution control regulations cited by reference in the Federal Register; regulations promulgated as of August 1, 1981 have been included in this document.

The present compilation constitutes an update of a previous documentation of regulations as of July 1, 1979. State and/or local air quality regulations which have not been Federally approved as of August 1, 1981, are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations. A summary sheet of the regulatory revisions is provided to give a quick historical assessment of the changes.

The second part of the document contains the text of non-regulatory SIP revisions approved by EPA up to August 1, 1981, excluding notices or certifications of public hearings and technical support data. A complete tabulation of these revisions is also provided.

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PREFACE

This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, which mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA approved State and/or local air pollution control regulations cited by reference in the Federal Register; all regulations Federally promulgated as of August 1, 1981 have been included.

The present compilation constitutes an update of a previous documentation of regulations as of July 1, 1979.* State and/or local air quality regulations which have not been Federally approved as of August 1, 1981 are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State or local agencies to enforce such regulations.

This document is not intended to provide a tool for determining the enforceability of any given regulation. Rather, it is intended to provide a comprehensive compilation of those regulations which are incorporated by reference into Title 40, Part 52, of the Code of Federal Regulations (CFR). The exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation in this document does not, in itself, render the regulation enforceable by either the State or EPA.

The regulations have been organized in this document according to the official State/local agency format. However, since State air quality regulations vary widely in their organization, content, and language, a standardized subject index has been added. The index listings consist of both pollutant and activity oriented categories to facilitate usage. For example, regulations which apply to copper smelters may be found under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State are not included herein but can be found under Title 40 Code of Federal Regulations, Part 52.

Additionally, a summary sheet of the regulatory revisions is included to provide a quick historical assessment of the changes. These summary sheets contain the date of submittal to EPA of each revision and the Federal Register publication date on which the revision was approved by EPA. A brief description of the regulation which was submitted is also included.

In accordance with the Act, the second part of the document contains non-regulatory SIP revisions approved by EPA up to August 1, 1981. All approved non-regulatory revisions listed under Identification of Plan in the CFR are included except notices or certifications of public hearings, and technical support data. Non-regulatory submittals which have only received EPA approval on selected elements are included in their entirety with an accompanying indication of the status of Federal actions on the non-approved elements. The non-regulatory revisions have been organized in this document

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* Regulations and Non-Regulatory Revisions to State Implementation Plan: Wyoming, EPA-450/2-80-057, prepared under Contract 68-02-3388, July 31, 1980.

according to the date of publication of EPA approval in the Federal Register. For historical completeness, a complete tabulation of these revisions is provided at the beginning of this second section.

SUMMARY OF
EPA-APPROVED REGULATORY REVISIONS TO STATE OF WYOMING SIP
BETWEEN JULY 1, 1979 AND JULY 31, 1981

Publication of Approval	Submittal Date	Page	Document Description
07/02/79 and 09/06/79	01/26/79	44FR38475 44FR51979	Revisions to Section 2. New Sections 23, 24, 25.
04/27/81	07/18/80 10/27/80	46FR23412	Revision to Section 14 of Wyoming Air Quality Regulations.

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CHAPTER I

(2.0) Section 1. Introduction.

In accordance with Chapter 9.1, Articles 1-11, Wyoming Statutes, 1973 Cumulative Supplement, the following Air Quality Standards and Regulations are hereby promulgated by the Wyoming Environmental Quality Council.

(1.0) Section 2. Definitions.

a. The definitions contained in Section 35--502.3, Wyoming Environmental Quality Act shall be applicable, where appropriate. The following terms are used in these standards and regulations shall, unless the context otherwise requires, have the following meanings:

(1) "Administrator" means Administrator of the Division of Air Quality, Wyoming Department of Environmental Quality.

(2) "Air contaminant" shall mean dust, fumes, mist, smoke, other particulate matter, vapor, gas or any combination of the foregoing, but shall not include steam or water vapor.

(3) "Air pollution" shall mean the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as is materially injurious to human health or welfare, animal or plant life or property, or unreasonably interferes with the enjoyment of life or property.

(4) "Animal matter" shall mean any product or derivative of animal life.

(5) "Board" shall mean the Air Quality Advisory Board.

(6) "Control equipment" shall mean any device, contrivance, or system which prevents or reduces emissions.

(7) "Control officer" shall mean the Director of the State Department of Environmental Quality, or the Administrator of the Air Quality Division, or any employee of the Division designated by the Administrator, or any local health officer or employee designated by the Administrator.

(8) "Council" shall mean the Environmental Quality Council.

(9) "Department" shall mean the Wyoming State Department of Environmental Quality.

(10) "Director" shall mean the Director of the Wyoming Department of Environmental Quality.

(11) "Division" shall mean the Air Quality Division, Wyoming Department of Environmental Quality.

(12) "Emission" shall mean a release into the outdoor atmosphere of air contaminants.

(13) "Equivalent method" shall mean any procedure, practice, policy, system or device which can be demonstrated to produce a result adequate for the purpose required in these regulations and consistent with specified reference methods.

(14) "Existing equipment" shall mean equipment installed prior to the effective date of these regulations.

(15) "Existing source" means any stationary source other than a new source.

(16) "Facility" shall mean any property, real or personal, which may incorporate one or more sources of air pollution and shall include but not be limited to processing plants, manufacturing plants, power generator plants, refining plants, mining operations, lumber mills, ore processing plants, construction material processing operation, etc.

(17) "Fuel burning equipment" shall mean any furnace, boiler apparatus, stack, or appurtenances thereto used in the process of burning fuel or other combustible material for the purpose of producing heat or power by indirect heat transfer.

(18) "Incinerator" shall mean any equipment, device or contrivance used for the destruction of garbage, rubbish or other wastes by burning, but not wood wastes burned in devices commonly called teepee burners, silos, truncated cones, wigwam burners and other such burners used commonly by the wood products industry.

(19) "Initial start-up" shall mean that point in time when a source or group of sources actually begins operation for the purpose of generating goods or services as an end product or as an intermediate product. Start-up of a source to check functional operation of the "machinery" shall not be construed as initial start-up.

(20) "Installation" shall mean any property, real or personal, including but not limited to processing equipment, manufacturing equipment, fuel burning equipment, incinerators, or any other equipment or construction, capable of creating or causing emissions.

(21) "Maximum design production rate" shall mean the maximum production rate at which a source is designed for continuous or batch operation and for which the permit is applied.

(22) "Modification" shall mean any physical change in, or change in method of operation of, an affected facility which increases the amount of any air pollutant (to which any state standard applies) emitted by any such facility or which results in the emission of any such air pollutant not previously emitted.

(23) "Motor vehicle" shall mean those vehicles carrying people or goods on public streets or highways.

(24) "Multiple chamber incinerator" shall mean any article, machine, equipment, contrivance, structure or part of a structure used to dispose of combustible refuse by burning, consisting of two or more combustion furnaces in series physically separated by walls, interconnected by gas passage ports or ducts and employing adequate parameters necessary for maximum combustion of the material to be burned.

(25) "New equipment" shall mean:

(a) Any equipment, installation, construction, article, machine or contrivance ordered, constructed or installed after the effective date of this regulation;

(b) Any equipment replaced or altered or processes changed in such a manner after the effective date of this regulation as to have an effect of increasing the production of air contaminants;

(c) Any equipment moved after the effective date of this regulation to another premise involving a change of address when said move will cause or would be expected to cause an increase in the production of air contaminants;

(d) Any equipment purchased and to be operated after the effective date of this regulation by a new owner or when a new lessee desires to operate such equipment.

(26) "New source" shall mean any stationary source, the construction or modification of which is commenced after the effective date of regulations prescribing a standard of performance applicable to such source.

(27) "Odor" shall mean that property of an emission which stimulates the sense of smell.

(28) "Open burning" shall mean a fire where any material is burned in the open or in a receptacle other than a furnace, incinerator, or other equipment connected to a stack or chimney.

(29) "Particulate matter" shall mean any material, except water in uncombined form that is or has been airborne, and exists as a liquid or a solid at standard conditions.

(30) "Person" means any individual, partnership, firm, association, municipality, public or private corporation, sub-division or agency of the state, trust, estate or any other legal entity.

(31) "Premises" shall mean any property, piece of land or real estate or building.

(32) "Process weight" shall mean the total weight of all materials introduced into any specific process which may cause emissions. Solid fuels changed will be considered as part of the process weight but liquids and gaseous fuels, combustion air, and water will not. However, water included as part of the normal charge to a beet pulp dryer process shall be considered as part of the process weight.

(33) "Reduction" shall mean any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating, and protein concentrating.

(34) "Salvage operation" shall mean any operation conducted in whole or in part for the salvaging or reclaiming of any product or material.

(35) "Source" shall mean any property, real or personal, or person contributing to air pollution.

(36) "Stack or chimney" shall mean any flue, conduit or duct arranged to conduct emissions.

(37) "Standard conditions" shall mean a temperature of 70° Fahrenheit and pressure reduced to 29.92 inches of mercury at sea level.

(38) "Trade waste" shall mean solid, liquid, or gaseous material resulting from construction or the prosecution of any business, trade or industry, or any demolition operation including but not limited to wood, plastics, cartons, grease, oil, chemicals and cinders.

(39) "Wood waste burners" shall mean devices commonly called teepee burners, silos, truncated cones, wigwam burners, and other such burners commonly used by the wood product industry for the disposal by burning of wood wastes.

(50.1) Section 3. Particulates.

a. The ambient air standards for total suspended particulates measured in accordance with recommended practices described in Designation D2009, latest revision, American Society for Testing and Materials are:

(1) 60 micrograms per cubic meter--annual geometric mean;

(2) 150 micrograms per cubic meter--maximum 24 hour concentration not to be exceeded more than once per year.

b. The ambient air standard for suspended particulates, soiling index, measured by a tape sampler, or by an equivalent method, expressed in Coh units related to optical density is:

(1) 0.4 Coh units per 1,000 lineal feet--annual geometric mean.

c. The ambient air standard for total settleable particulates, dustfall measured by a standard container of uniform cross-section, as described by Designation D1739, latest revision, American Society for Testing and Materials, or by an equivalent method are:

(1) 5 grams per square meter per month, for any 30 day period in residential areas. Includes 1.7 grams per square meter background;

(2) 10 grams per square meter per month, for any 30 day period in industrial areas. Includes 1.7 grams per square meter background.

(50.2) Section 4. Sulfur Oxides.

a. The ambient air standards for sulfur oxides measured by the pararosaniline (West-Gaeke) or equivalent methods are:

(1) 60 micrograms per cubic meter (0.02 ppm)--annual arithmetic mean;

(2) 260 micrograms per cubic meter (0.10 ppm)--maximum 24 hour concentration not to be exceeded more than once per year;

(3) 1,300 micrograms per cubic meter (0.50 ppm)--maximum 3 hour concentration not to be exceeded more than once per year.

b. Any existing facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides, mercaptans, or acid sludge shall limit the atmospheric discharge of sulfur dioxide in the effluent to not more than 2000 ppm--maximum 2 hour average.

c. Any new facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides, mercaptans, or acid sludge shall limit the atmospheric discharge of sulfur dioxide in the effluent to not more than four pounds per ton of acid produced (2 kgm per metric ton),--maximum 2 hour average.

(50.2) Section 5. Sulfuric Acid Mist.

a. Any existing facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides, mercaptans, or acid sludge shall limit the atmospheric discharge of acid mist in the effluent to not more than 0.50 pounds per ton of acid produced (0.25 kgm per metric ton)--maximum 2 hour average, expressed as H_2SO_4.

(50.2) Section 6. Sulfation.

a. The ambient air standards for suspended sulfate measured as a sulfation rate by the lead peroxide method are:

(1) 0.25 milligrams SO_3 per 100 square centimeters per day, maximum annual average;

(2) 0.50 milligrams SO_3 per 100 square centimeters per day, maximum 30 day value.

(50.2) Section 7. Hydrogen Sulfide.

a. The ambient air standards for hydrogen sulfide, measured by the mercuric chloride method, methylene blue method, or by an equivalent method are:

(1) 70 micrograms H_2S per cubic meter, 1/2 hour average not to be exceeded more than 2 times per year;

(2) 40 micrograms H_2S per cubic meter, 1/2 hour average not to be exceeded more than 2 times in any five consecutive days.

b. Any exit process gas stream containing hydrogen sulfide which is discharged to the atmosphere from any source shall be vented, incinerated, flared or otherwise disposed of in such a manner that ambient sulfur dioxide and hydrogen sulfide standards are not exceeded.

(50.7) Section 8. Photochemical Oxidants.

a. The ambient air standard for photochemical oxidants, measured and corrected for interferences from nitrogen oxides and sulfur dioxide by the reference method described in Appendix D, Federal Register, Volume 36, No. 84, April 30, 1971, or by an equivalent method is:

(1) 160 micrograms per cubic meter (0.08 ppm)--maximum 1 hour concentration not to be exceeded more than once per year.

(50.4) Section 9. Hydrocarbons.

a. The ambient air standard for hydrocarbons, measured and corrected for methane by the reference method described in Appendix E, Federal Register, Volume 36, No. 84, April 30, 1971, or by an equivalent method is:

(1) 160 micrograms per cubic meter (0.24 ppm)--maximum 3 hour concentration (6:00 a.m. to 9:00 a.m.) not to be exceeded more than once per year.

b. Hydrocarbon emissions shall be limited by all persons handling, transporting, or storing volatile organic compounds to prevent unnecessary emissions to the extent that ambient air standards described in these standards are exceeded. Measures considered appropriate for such control, or any equivalent method shall be:

(1) All waste disposal combustion systems for organic compounds from a vapor blowdown or emergency relief system shall be burned by smokeless flares or an equally effective control device;

(2) The storage of gasoline or petroleum distilleries having a Reid Vapor Pressure (RVP) in excess of five pounds in any stationary tank, reservoir, or other container of more than 65,000 gallons shall be in a pressure tank capable of maintaining working pressures sufficient at all times to prevent vapor or gas loss to the atmosphere;

(3) Floating roofs, consisting of a pontoon type, double deck type roof, or internal floating cover, resting on the liquid surface, equipped with seals between the roof and tank wall shall be considered as appropriate control equipment to prevent such vapor loss. Tank gauging devices shall be gas tight except when tank gauging or sampling is taking place;

(4) Vapor recovery systems capable of collecting volatile organic vapors and a disposal system capable of processing such vapors in a manner that prevents their discharge to the atmosphere shall be considered as appropriate control equipment to prevent such vapor loss.

(50.3) Section 10. Nitrogen Oxides.

a. The ambient air standard for nitrogen dioxide, measured by the reference method described in Appendix F, Federal Register, Volume 36, No. 84, April 30, 1971, or by an equivalent method is:

(1) 100 micrograms per cubic meter (0.05 ppm)--annual arithmetic mean.

b. The emission standards for nitrogen oxides, measured by the method described in Appendix, Method 7, Federal Register, Volume 36, No. 159, August 17, 1971, or by an equivalent method are:

(1) The emission of nitrogen oxides from new gas fired fuel burning equipment calculated as nitrogen dioxide shall be limited to 0.20 pound per million BTU (0.36 grams per million gram calories) of heat input.

(2) The emission of nitrogen oxides from existing gas fired fuel burning equipment calculated as nitrogen dioxide shall be limited to 0.23 pound per million BTU (0.41 grams per million gram calories) of heat input.

(3) The emission of nitrogen oxides from new oil fired fuel burning equipment calculated as nitrogen dioxide shall be limited to 0.30 pounds per million BTU (0.54 grams per million gram calories) of heat input for units having a heat input of 1.0 million BTU per hour (250 million gram calories/hour) or greater and 0.60

pounds per million BTU (1.08 grams per million gram calories) of heat input for units having a heat input less than 1.0 million BTU per hour (250 million gram calories/hour).

(4) The emission of nitrogen oxides from existing oil fired fuel burning equipment calculated as nitrogen dioxide shall be limited to 0.46 pounds per million BTU (0.83 grams per million gram calories) of heat input for units having a heat input of 250 million BTU per hour (62.5 gram calories/hour) or greater and 0.60 pound per million BTU (1.08 grams per million gram calories) of heat input for units having a heat input less than 250 million BTU per hour (62.5 billion gram calories/hour).

(5) The emission of nitrogen oxides from new nitric acid manufacturing plants, calculated as nitrogen dioxide shall be limited to 3 pounds per ton (1.5 kilograms per metric ton) of acid produced, maximum 2 hour average.

(6) The emission of nitrogen oxides from existing nitric acid manufacturing plants, calculated as nitrogen dioxide shall be limited to 5.5 pounds per ton (2.8 kilograms per metric ton) of acid produced, maximum 2 hour average.

(7) The emission of nitrogen oxides from new solid fossil fuel (except lignite) fired equipment calculated as nitrogen dioxide shall be limited to 0.70 pounds per million BTU (1.26 grams per million gram calories) heat input.

(8) The emission of nitrogen oxides from existing solid fossil fuel (except lignite) fired equipment calculated as nitrogen dioxide shall be limited to 0.75 pounds per million BTU (1.35 grams per million gram calories) heat input.

c. The requirements of this section shall not apply to internal combustion engines having a heat input of less than 200 million BTU per hour.

(50.7) Section 11. Fluorides.

a. The ambient air standard for fluorides measured as hydrogen fluoride is:

(1) 0.80 micrograms per cubic meter (1 part per billion) 24 hour average or when the concentration of fluorides in forage for animal consumption, measured as fluorine, dry weight basis is 25 micrograms per gram.

b. The ambient air standard for gaseous fluorides measured by the sodium formate paper method or equivalent is 0.3 micrograms per square centimeter, maximum 30 day value.

(50.5) Section 12. Carbon Monoxide.

a. The ambient air standard for carbon monoxide, measured by nondispersive infrared spectrometry, as described in Appendix C. Federal Register, Volume 36, No. 84, April 30, 1971, or by an equivalent method is:

(1) 10 milligrams per cubic meter (9 ppm)--maximum 8 hour concentration not to be exceeded more than once per year;

(2) 40 milligrams per cubic meter (35 ppm)--maximum 1 hour concentration not to be exceeded more than once per year.

b. The emission of carbon monoxide in stack gases from any stationary source shall be limited as may be necessary to prevent ambient standards described in this standard from being exceeded. Measures considered appropriate for such control are:

(1) Treatment of the waste gas stream by installation and use of a direct flame afterburner or other means which will achieve the required reduction as approved by the Division.

(51.13) Section 13. Open Burning Restrictions.

a. Refuse burning restrictions

(1) No person shall dispose of refuse by open burning, or cause, suffer, allow or permit open burning of refuse.

(2) Regardless of provision of Subsections a. (1) of this regulation, open burning on residential premises of refuse originating in dwelling units on the same premises shall not be a violation of this regulation in areas of low population density. A density of 100 dwelling units or less per square mile shall be used as an approximate definition of areas of low population density.

b. Restrictions on open burning of trade wastes

(1) No person shall cause or permit the disposal of trade wastes or conduct or cause or permit a salvage operation by open burning, except as provided in Subsection b. (2) of this regulation.

(2) The open burning resulting from a salvage operation or disposal of trade wastes may be permitted when it can be shown by a person that such open burning is absolutely necessary and in the public interest. Any person intending to engage in such open burning shall file a request to do so with the Division of Air Quality. The application shall state the following:

(a) the name, address, and telephone number of the person submitting the application;

(b) the type of business or activity involved;

(c) a description of the proposed equipment and operating practices, the type, quantity, and composition of wastes to be burned, and the expected composition and amount of air contaminants to be released to the atmosphere;

(d) the schedule of burning operation;

(e) the exact location where open burning will be used to dispose of such waste;

(f) reasons why no method other than open burning can be used for disposal;

(g) evidence that the proposed open burning has been approved by any fire department which may have jurisdiction. Upon approval of the application by the Division of Air Quality, the person may proceed with the operation without being in violation of Subsection b. (1).

c. Restrictions on open burning of plant and forestry wastes

(1) The open burning of plant life grown on the premises in the course of any agricultural or forestry operation may be permitted when it can be shown that such open burning is necessary and that no fire hazard or public nuisance will occur.

Section 14. Control of Particulate Emissions

a. Visible emissions of any contaminant discharged into the atmosphere from any single new source of emission whatsoever as determined by a qualified observer shall be limited to 20 percent opacity;

Provided, however, that:

(1) An owner or operator of an affected facility of the type described in subsection 14(h)(1) hereof which has a heat input of less than 2500 x 10^6 BTU per hour, may request the Administrator of the Division of Air Quality to determine opacity of emissions from such affected facility during initial performance tests required by 21(i) or during other performance tests thereafter.

(2) Upon receipt from such owner or operator of the written report of the results of the performance tests required by 21(i) or later performance tests, the Administrator will make a finding concerning compliance with opacity and other applicable standards. If the Administrator finds that such affected facility is in compliance with all applicable standards for which performance tests are conducted but fails to meet any applicable opacity standard, he shall notify the owner or operator and advise him that he may petition the Administrator within 10 days of receipt of notification to make appropriate adjustment to the opacity standard for such affected facility.

f. The emission of fugitive dust shall be limited by all persons handling, transporting, or storing any material to prevent unnecessary amounts of particulate matter from becoming airborne to the extent that ambient air standards described in these regulations are exceeded. Control measures described as follows or any equivalent method shall be considered appropriate for such control:

(1) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings, or structures, construction operations, the grading of roads or the clearing of land;

(2) Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which can give rise to airborne dusts;

(3) Installation and use of hoods, fans and fabric filters to enclose and vent the handling of dusty materials; adequate containment methods shall be employed during sandblasting or other similar operations;

(4) Covering, at all times when in motion, open bodied trucks, transporting materials likely to give rise to airborne dust;

(5) Conduct of agricultural practices such as tilling of land, application of fertilizers, et cetera, in such a manner as to prevent dust from becoming airborne;

(6) The paving of roadways and their maintenance in a clear condition;

(7) The prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water, or other means.

*g. The emission of particulate matter from any new source shall be limited as indicated in Table I. The emission of particulate matter from any existing source shall be limited as indicated in Table II.

(1) Process weight per hour means the total weight of all materials introduced into any specific process that may cause any emissions of particulate matter, including solid fuels, but excluding liquids or gasses used solely as fuels, and excluding air introduced for purposes of combustion, and excluding the weight of any water, water vapor or steam that may be introduced as part of the total materials. However water contained as part of the normal input to a beet pulp dryer process shall be included as part of the process weight per hour.

(2) For a cyclical or batch operation, the process weight per hour is derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any

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*Delayed Compliance Order for FMC Corporation's plant at Kemmerer until March 31, 1979. See Non-regulatory Section 9/6/79 Federal Register Publication date.

(3) The Administrator will grant such a petition upon a satisfactory demonstration by the owner or operator that such affected facility and associated air pollution control equipment was operated and maintained in a manner to minimize the opacity of omissions during the performance tests; that the performance tests were performed under the conditions prescribed by the Administrator; and that such affected facility and associated air pollution control equipment were incapable of being adjusted or operated to meet the applicable opacity standard at or near the facility's designed capacity.

(4) The Administrator will establish an opacity standard for such affected facility meeting the above requirements at a level at which the source will be able, as indicated by the performance and opacity tests, to meet the opacity standard at all times during which the source is meeting the mass or concentration emission standard and during which the facility and air pollution control equipment is being operated properly and maintained to minimize the opacity of emissions and mass emission rate.

*b. Visible emissions of any contaminant discharged into the atmosphere from any single existing source of emission whatsoever as determined by a qualified observer shall be limited to 40 percent opacity. This limitation shall not apply to existing incinerators.

c. The emission of visible air pollutants from gasoline engines shall be eliminated except for periods not exceeding five consecutive seconds.

d. The emission of visible air pollutants from diesel engines as determined by a qualified observer shall be limited to 30 percent opacity below 7500 feet elevation except for periods not exceeding ten consecutive seconds. This limitation shall not apply during a reasonable period of warmup following a cold start or where undergoing repairs and adjustment following a malfunction.

e. Any single source may discharge for a period or periods aggregating not more than 6 minutes in any hour contaminants;

(1) Having an equivalent opacity of not more than 40 percent as determined by a qualified observer.

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*Delayed Compliance Orders for Black Hills Power and Light Company's old Wyodak Station, and FMC Corporation's plant at Kemmerer until July 1, 1979 and March 31, 1979 respectively. See Non-regulatory Section 9/6/79 Federal Register Publication date.

given process to the completion there of, excluding any time during which the equipment is idle.

(3) For a continuous operation, the process weight per hour is derived by dividing the process wieght for typical period of time.

(4) Emission tests relating to this regulation shall be measured in accordance with the requirements of Section 14h(4).

TABLE 1

Process Weight Rate (lbs/hr)	Emission Rate (lbs/hr)
50	0.36
100	0.55
500	1.53
1,000	2.25
5,000	6.34
10,000	9.73
20,000	14.99
60,000	29.60
80,000	31.19
120,000	33.28
160,000	34.85
200,000	36.11
400,000	40.35
1,000,000	46.72

Interpolation of the data in Table 1 for the process weight rates up to 60,000 lbs/hr shall be accomplished by the use of the equation:

$$E = 3.59\ P^{0.62} \quad P \leq 30 \text{ tons/hr}$$

and interpolation and extrapolation of the data for process weight rating in excess of 60,000 lbs/hr shall be accomplished by use of the equation:

$$E = 17.31\ P^{0.16} \quad P > 30 \text{ tons/hr}$$

Where: E = Emissions in pounds per hour.
P = Process weight rate in tons per hour.

TABLE II

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
lb/hr	tons/hr	lb/hr	lb/hr	tons/hr	lb/hr
100	0.05	0.551	16,000	8.	16.5
200	0.10	0.877	18,000	9.	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	25.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.76	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.96	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	160,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000.	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,000	6.00	13.6			

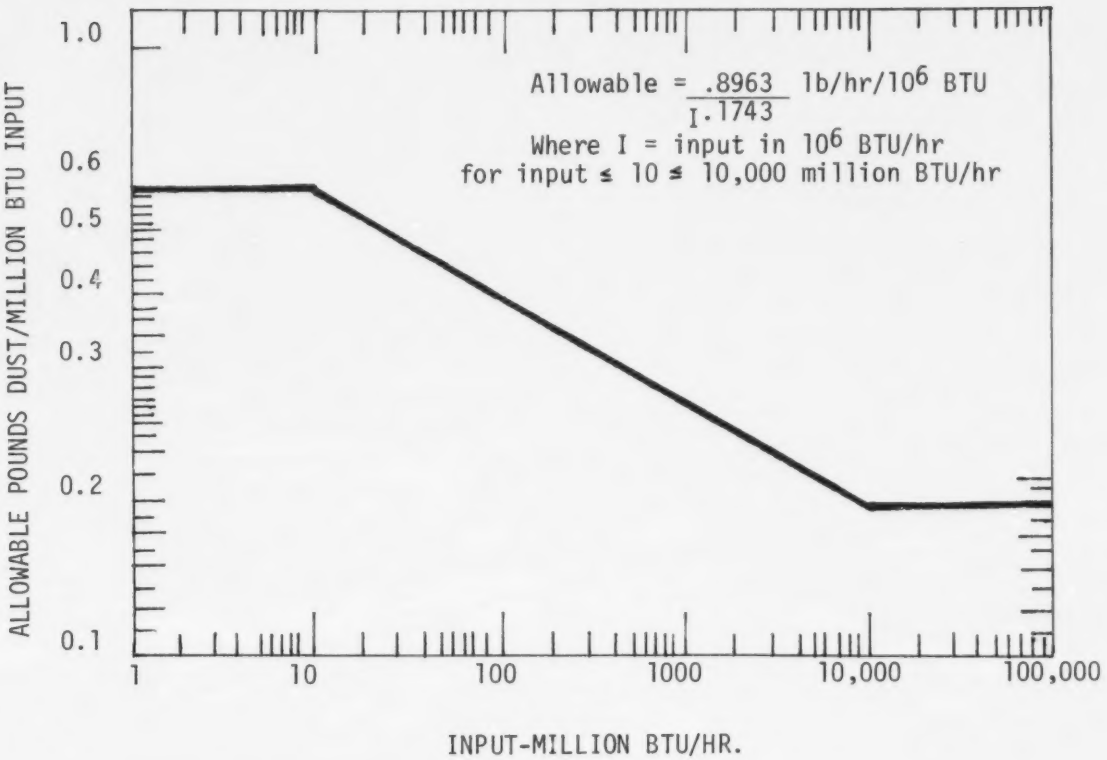
Interpolation of the data in Table II for process weight rates up to 60,000 lb/hr shall be accomplished by use of the equation $E = 4.10\ P^{0.67}$, and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb/hr shall be accomplished by use of the equation:

$E = 55.0\ P^{0.11} - 40$, where E = rate of emission in lb/hr

and P = process weight rate in tons/hr

Notwithstanding any other provision of this Table, any existing air contaminant source utilizing an air pollution control device having a collection efficiency of 99.5 percent or better, shall be deemed to be in compliance with all provisions of this regulation. Such efficiency shall be determined by a professional engineer licensed to practice in Wyoming and all expenses incurred in such determination shall be defrayed by the person responsible for the emission.

FIGURE 1: PARTICULATE EMISSION LIMITS



* h. The emissions of particulate matter from existing sources where fuel burning equipment is used for indirect heating shall be limited as shown in Figure 1 and shall be applicable to equipment burning solid fuel. The emissions of particulate matter from new sources where fuel burning equipment is used for indirect heating shall be limited to 0.10 pound per million BTU input (0.18 grams per million calories) maximum 2 hour average. Except to the extent that an opacity standard has been established for an affected facility pursuant to Subsection 14(a)(1) through (4) hereof, the visible emissions of particulate matter from new sources where fuel burning equipment is used for indirect heating shall be no greater than 20 percent opacity, except that 40 percent opacity shall be permitted for not more than 2 minutes in any hour. This regulation is not applicable to residential or commercial fuel burning equipment with a heat input of less than 10 x 10^6 BTU/hr. and used exclusively to produce building heat.

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*Delayed Compliance Order for Black Hills Power and Light Company's old Wyodak Station until July 1, 1979. See Non-regulatory Section 9/6/79 Federal Register Publication date.

(1) This regulation applies to installations in which fuel is burned for the primary purpose of producing steam, hot water, or hot air or other indirect heating of liquids, gases, or solids, and, in the course of doing so, the products of combustion do not come into direct contact with process materials. Fuels include those such as coal, coke, lignite, fuel oil, and wood, but do not include refuse. When any products or by-products of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitations shall apply.

(2) The heat content of coal shall be determined according to the ASTM method D-271-64 Laboratory Sampling and Analysis of Coal and Coke or ASTM method D-2015-62T Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter, which publications are made a part of this regulation by reference.

(3) For purposes of this regulation, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or stacks. The heat input value used shall be the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. The total heat input for determining the maximum allowable amount of particulate matter which may be emitted.

(4) The amount of particulate matter emitted shall be measured by a source test method approved by the Division for stationary sources and shall be consistent with Section 60.85, Method 5, Federal Register, Volume 36, No. 247, dated December 23, 1971.

i. The emission of particulate matter from any incinerator shall be limited to:

(1) 0.20 pound per 100 pounds (2 grams per kilogram) of refuse charged as determined by a source test method approved by the Division for stationary sources as described in Subsection g. (4) of this regulation;

(2) A shade or density equal to but not greater than 20 percent opacity as determined by a qualified observer.

j. Where the presence of uncombined water is the only reason for failure of an emission to meet the opacity requirements of Section 14 of this regulation, such opacity requirements shall not apply.

(51.20) Section 15. Wood Waste Burners.

a. Emissions of any air contaminant from any wood waste burner discharged into the atmosphere for a period or periods aggregating more than 6 minutes in any one hour shall not exceed:

(1) An opacity of 20 percent as determined by a qualified observer.

b. Operational requirements for all wood waste burners shall include:

(1) A thermocouple and recording pyrometer or other temperature measurement and recording device approved by the Division shall be installed and maintained;

(2) A daily written log of the wood waste burner operation shall be maintained to determine optimum operational patterns for different fuel and atmospheric conditions. Such log shall include, but not be limited to, the time of day, draft settings, exit gas temperatures, type of fuel, and atmospheric conditions. It must be shown that there is adequate time and responsibility delegated for proper burner maintenance, operation, and control; such log or a copy shall be made available to the Division within 10 days upon request;

(3) Asphaltic materials, rubber products, or materials which cause dense smoke discharges shall not be burned or disposed in wood waste burners;

(4) Continuous flow conveying methods shall be utilized to convey process wood waste to the combustion chamber of the wood waste burners.

c. During startup and building of fires, in wood waste burners, the particulate, opacity, and darkness limits specified in this regulation may be exceeded for not more than 60 minutes in eight hours. Materials prohibited in Subsection b. (3) shall not be used for startup and building of fires in wood waste burners.

(50.6) Section 16. Odors.

a. The ambient air standard for odors from any source shall be limited to:

(1) An order emission at the property line from which such emissions occur of sufficient strength to be equal to but not greater than that detectable after seven dilutions with odor free air as determined by a scentometer as manufactured by the Barnebey-Cheney Company or any other instrument, device, or technique designated by the Division as producing equivalent results. The occurrence of odors shall be measured so that at least two measurements can be made within a period of one hour, these determinations being separated by at least 15 minutes.

b. No person shall operate or use any device, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas entrained effluents from such facility are incinerated at a temperature of not less than 1200 degrees Fahrenheit for a period not less than 0.3 second, or processed by condensation or such manner as determined by the Division to be equally or more effective for the purpose of controlling such emissions.

(1) A person incinerating or processing gases, vapors, or gas entrained effluents pursuant to this rule shall provide, properly install, and maintain in good working order and in operation, devices as specified by the Division for indicating temperature, pressure, or other operating conditions.

(2) Effective odor control devices, systems, or measures shall be installed and operated such that no vent, exhaust pipe, blow-off pipe, or opening of any kind shall discharge into the outdoor air any odorous matter, vapors, gases, or dusts, or any combination thereof, which create odors in areas adjacent to the plant in excess of the limits described in Section 16 a. (1) of this regulation.

c. Odor producing materials shall be stored, transported, and handled in a manner that:

(1) Odors produced from such materials are confined and that accumulation of such materials resulting from spillage or other escape is prevented.

d. Whenever dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building used for processing animal matter in such manner and amount as to cause a violation of Subsection a. (1) and (2) of this regulation the Division may require that the building or buildings in which processing, handling, and storage are done be tightly closed and ventilated in such a manner that all airborne effluent materials leaving the building be treated by an effective means for removal or destruction of odorous matter before release to the open air.

(12.0) Section 17. Motor Vehicle Pollution Control.

a. No person shall intentionally remove, alter or otherwise render ineffective or inoperative, exhaust emission control, crankcase ventilation or any other air pollution control device or system which has been installed on a motor vehicle or stationary internal combustion engine as a requirement of any federal law or regulation.

b. No person shall operate a motor vehicle or other internal combustion engine originally equipped with air pollution devices or systems as required by any federal law or regulation unless such devices or systems are in place and in operating condition.

c. Subsections a. and b. of this regulation shall not apply to vehicles or stationary internal combustion engines which have been modified or altered to use a fuel other than gasoline or diesel fuel, except that such units shall comply with existing standards for emissions therefrom.

(2.0) Section 18. Diluting and Concealing Emissions.

a. No person shall cause or permit the installation or use of any device, contrivance or operational schedule which, without resulting in reduction of the total amount of air contaminant released to the atmosphere, shall dilute or conceal an emission from a source.

b. Subsection a. of this regulation shall not apply to the control of odors.

(7.0) Section 19. Abnormal Conditions and Equipment Malfunction.

a. Emissions in excess of established regulation limits as a direct result of malfunction or abnormal conditions or breakdown of a process, control or related operating equipment beyond the control of the person or firm owning or operating such equipment shall not be deemed to be in violation of such regulations, if the Division is advised of the circumstances within 24 hours of such malfunction and a corrective program acceptable to the Division is furnished.

(8.0) Section 20. Air Pollution Emergency Episodes.

a. This regulation is designed to prevent the excessive buildup of air pollutants during air pollution episodes, thereby preventing the occurrence of an emergency due to the effects of these pollutants on the health of persons.

b. Conditions justifying the proclamation of an air pollution alert, air pollution warning or air pollution emergency shall be deemed to exist whenever the Division determines that the accumulation of air pollutants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of persons. In making this determination, the Division will be guided by the following criteria:

(1) Air pollution forecast: An internal watch by the Division shall be activated by a National Weather Service advisory that an Atmospheric Stagnation Advisory, or the equivalent local forecast of a stagnant atmospheric condition is in effect.

(2) Air pollution alert: The alert level is that concentration of pollutants at which first stage actions begin. An alert will be declared when any one of the following is reached at any monitoring site:

(a) Suspended particulate - 3.0 Cohs or 375 ug/m^3, 24 hour average;

(b) SO_2 and particulate combined - product of SO_2 ppm, 24 hour average and Cohs equal to 0.2 or product of SO_2 ug/m^3, 24 hour average and particulate ug/m^3, 24 hour average equal to 65 x 10^3 and meteorological conditions are such the pollutant concentrations can be expected to remain at the above levels for twelve or more hours or increase unless control actions are taken.

(3) Warning: The warning level indicates that air quality is continuing to degrade and that additional control actions are necessary. A warning will be declared when any one of the following levels is reached in any monitoring site:

(a) Suspended particulate - 5.0 Cohs or 625 ug/m^3, 24 hour average;

(b) SO_2 and particulate combined--product of SO_2 ppm, 24 hour average and Cohs equal to 0.8 or product of SO_2 ug/m^3, 24 hour average and particulate ug/m^3, 24 hour average equal to 261 x 10^3, and meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for 12 or more hours or increase unless control actions are taken.

(4) Emergency: The emergency level indicates that air quality is continuing to degrade to a level of significant harm to the health of persons and that the most stringent control actions are necessary. An emergency will be declared when any one of the following levels is reached at any monitoring site:

(a) Suspended particulate - 7.0 Cohs or 875 ug/m^3, 24 hour average;

(b) SO_2 and particulate combined--product of SO_2 ppm, 24 hour average and Cohs equal to 1.2 or product of SO_2 ug/m^3, 24 hour average and particulate ug/m^3, 24 hour average equal to 393 x 10^3, and meteorological conditions are such that this condition can be expected to continue for 12 or more hours.

(5) Termination: Once declared, any status reached by application of these criteria will remain in effect until the criteria for that level are no longer met. At such time, the next lower status will be assumed.

c. Whenever the Division declares that one of the above mentioned levels exists, it shall take such control actions which in its best judgment will lower the pollutant concentrations.

(3.0) Section 21. Permit Requirements for Construction, Modification and Operation.

a. Any person who plans to construct any new facility, modify any existing facility, or to engage in the use of which may cause the issuance of or an increase in the issuance of air contaminants into the air of this state shall obtain a construction permit from the State of Wyoming Department of Environmental Quality before any actual work is begun on the facility. An operating permit shall be obtained from the State of Wyoming Department of Environmental Quality in order to operate the facility after a 120 day start-up period. A permit to operate shall also be required if a source existing in the state is moved to a new location and expects to commence operation in their new location.

b. The owner of the facility or the operator of the facility authorized to act for the owner is responsible for applying for and obtaining a permit to construct and/or operate. The application shall be made on forms provided by the Division of Air Quality and each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of the emissions, and the manner in which it will be operated and controlled. A separate application is required for each source. Any additional information, plans, specifications, evidence, or documentation that the Administrator of the Division of Air Quality may require shall be furnished upon request.

c. No approval to construct or modify shall be granted unless the applicant shows, to the satisfaction of the Administrator of the Division of Air Quality that:

(1) The proposed facility will comply with all rules and regulations of the Wyoming Department of Environmental Quality, Division of Air Quality, and with the intent of the Wyoming Environmental Quality Act.

(2) The proposed facility will not prevent the attainment or maintenance of any ambient air quality standard.

(3) The proposed facility will not cause significant deterioration of existing ambient air quality in the Region as defined by any Wyoming standard or regulation that might address significant deterioration.

(4) The proposed facility will be located in accordance with proper land use planning as determined by the appropriate state or local agency charged with such responsibility.

(5) The proposed facility will utilize the best available control technology with consideration to the technical practicability and economic reasonableness of reducing or eliminating the emissions resulting from the facility.

(6) The proposed facility will have provisions for measuring the emissions of significant air contaminants as determined by the Administrator of the Division of Air Quality.

(7) The proposed facility will achieve the performance specified in the application for a permit to construct or modify. If the applicant cannot demonstrate that the facility will comply with this provision, a conditional construction/modification permit may be granted until such time as the applicant can demonstrate compliance with this provision.

d. No permit to operate may be granted until the applicant demonstrates to the satisfaction of the Administrator of the Division of Air Quality that:

(1) The facility is complying with the Wyoming Air Quality Standards and Regulations applicable at the time the permit to construct or modify was granted and with the intent of the Wyoming Environmental Quality Act, 1973.

(2) The facility has been constructed or modified in accordance with the requirements and conditions contained in the permit to construct or modify.

e. The Administrator of the Division of Air Quality may impose any reasonable conditions upon an approval to construct, modify or operate including, but not limited to, conditions requiring the source to be provided with:

(1) Sampling and testing facilities as the Administrator may require.

(2) Safe access to the sampling facilities.

(3) Instrumentation to monitor and record emission data.

f. The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for any denial.

g. A permit to construct or modify shall remain in effect until the permit to operate the facility for which the application was filed is granted or denied or the application is cancelled. The Administrator may cancel an approval to construct if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

h. Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(1) A notification of the anticipated date of initial start-up of each source not more than 60 days or less than 30 days prior to such date.

(2) A notification of the actual date of initial start-up of each source within 15 days after such date.

i. Within 30 days after achieving the maximum design production rate for which the permit is approved and at which each source will be operated, but not later than 90 days after initial start-up of such sources, the owner or operator of such source shall conduct a performance test(s) in accordance with methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of the results of such performance test.

(1) Such test shall be at the expense of the owner or operator.

(2) The Administrator may monitor such test and may also conduct performance tests.

(3) The owner or operator of a source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(4) The Administrator may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the source is being operated in compliance with all State and Federal regulations which are part of the applicable plan.

(5) If the maximum design production rate for which the permit is approved is not achieved within 90 days of initial start-up, testing will be conducted on a schedule to be defined by the Administrator. This schedule may require that the source be tested at the production rate achieved within 90 days of initial start-up and again when maximum design production rate is achieved.

j. Approval to construct shall not be required for:

(1) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(2) Air conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(3) Fuel burning equipment other than a smokehouse generator which has a heat input of not more than 25 million BTU per hour (6.25 billion gm-cal/hr) and burns only gaseous fuel containing not more than 20 grains total sulfur per 100 std. ft3; has a heat input of not more than 1 million BTU/hr (250 million gm-

cal/hr) and burns only distillate oil; or has a heat input of not more than 350,000 BTU/hr (88.2 million gm-cal/hr) and burns any other fuel.

(4) Mobile internal combustion engines.

(5) Laboratory equipment used exclusively for chemical or physical analyses.

k. Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with all local, state and federal rules and regulations.

l. After the Administrator has reached a decision based upon the information presented in the permit application to construct or modify, the Division of Air Quality will advertise such proposed decision in a newspaper of general circulation in the county in which the source is proposed. This advertisement will indicate the general nature of the proposed facility, the proposed approval/disapproval of the permit, and a location in the region where the public might inspect the information submitted in support of the requested permit and the Air Quality Division's analysis of the effect on air quality. The public will be afforded a 30 day period in which to make comments and recommendations to the Division of Air Quality. A public hearing may be called if sufficient interest is generated or if any aggrieved party so requests in writing within the 30 day comment period. After considering all comments, including those presented at any hearings held, the Administrator will reach a decision and notify the appropriate parties.

Section 23. Continuous monitoring requirements for existing sources.

a. The owner or operator of any existing solid fossil fuel fired steam generator with a heat input greater than 250 million BTU per hour shall install, calibrate, operate, and maintain a continuous monitoring system for stack gas opacity.

(1) Such continuous monitoring equipment shall be demonstrated by the owners or operators to meet the performance specifications for such equipment as given in Appendix II, B.

(2) Such continuous monitoring equipment shall complete a minimum of one cycle of sampling and analyzing for each successive ten-second period and one cycle of data recording for each successive six-minute period.

(3) The owner or operator of such equipment shall:

(a) Record the zero and span drift in accordance with the method prescribed by the manufacturer of such instruments;

(b) Subject the instruments to the manufacturer's recommended zero and span check at least once daily unless the manufacturer has recommended adjustments at shorter intervals, in which case such recommendations shall be followed;

(c) Adjust the zero and span whenever the 24 hour zero drift or 24 hour calibration drift limits of, the applicable performance specifications in Appendix II, B, are exceeded; and

(4) Instrument span shall be approximately 200 percent of the expected instrument data display output corresponding to the emission standard for the source.

(5) The owner or operator of a source subject to this regulation shall install the required continuous monitoring systems such that representative measurements of emissions from the affected facility are obtained. The location of such systems shall be approved by the Administrator.

(6) The owner or operator of any facility subject to the requirements of this regulation shall submit a written report of excess emissions for each calendar quarter and the nature and cause of the excess emissions, if known. The averaging period used for data reporting shall be 6 minutes. The required report shall include as a minimum:

(a) The magnitude in actual percent opacity of all six-minute averages of opacity greater than the applicable opacity standard for each hour of operation of the facility. Average values may be obtained by integration over the averaging period or by arithmetically averaging a minimum of four equally spaced, instantaneous opacity measurements per minute. The date and time of the recorded excesses shall be included.

(b) The date and time identifying each period during which the continuous monitoring system was inoperative, except for zero and span checks, and the nature of system repairs or adjustments shall be reported. The Administrator may require proof of continuous monitoring system performance whenever system repairs or adjustments have been made.

(c) When no excess emissions have occurred and the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be included in the report.

(d) The owners or operators of affected facilities shall maintain a file of all information reported in the quarterly summaries, and all other data collected either by the continuous monitoring system for a minimum of two years from the date of collection of such data or submission of such summaries.

(7) The reporting requirements of paragraph 23(a)(6)(a) shall not apply during any period of monitoring system malfunction, provided that the source owner or operator shows, to the satisfaction of the Administrator, that the malfunction was unavoidable and is being repaired as expeditiously as practicable.

(8) The owner or operator of any source subject to the regulation shall complete the installation and performance tests of the equipment required by this regulation and begin monitoring and recording within 18 months from promulgation of this regulation.

b. The requirements for continuous opacity monitors set forth in paragraph 23(a) above shall not apply to an otherwise affected source if such source utilizes a wet type air pollution control device such that the stack gas contains uncombined water vapor. In such cases, the Administrator may require the installation and operation of such alternate particulate emission continuous monitoring systems as he deems appropriate.

Section 24. Prevention of Significant Deterioration.

a. Definitions. For purposes of this section:

(1) The term "major emitting facility" means any of the following stationary sources of air pollutants which emit, or have the potential to emit one hundred tons per year or more of any air pollutant for which standards are established under these Regulations and Standards: fossil-fuel fired steam electric plants of more than two hundred and fifty million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, Portland Cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than two hundred and fifty tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production facilities, chemical process plants, fossil-fuel boilers (or combinations thereof) of more than two hundred and fifty million British thermal units per hour heat input, petroleum storage and transfer facilities with a capacity exceeding three hundred thousand barrels, taconite ore processing facilities, glass fiber processing plants, charcoal production facilities. Such term also includes any other source with the potential to emit two hundred and fifty tons per year or more of any air pollutant for which standards are established under these Regulations and Standards. This term shall not include new or modified facilities which are nonprofit health or education institutions which have been exempted by the state.

(2) The term "commenced" as applied to construction of a major emitting facility means that the owner or operator has obtained a Construction Permit required by Section 21 and either has (i) begun, or caused to begin, a continuous program of physical on-site construction of the facility or (ii) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the facility to be completed within a reasonable time.

(3) The term "construction" when used in connection with any source or facility, includes the modification of any source or facility.

(4) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the facility (unless the facility is subject to enforceable permit conditions which limit the operating rate or hours of operation, or both) and the most stringent of the following:

(a) Applicable new source performance standards set forth in Section 22 of these Regulations,

(b) Any other applicable emission limit in these Regulations,

(c) The emission rate agreed to by the owner or operator as a permit condition.

(5) "Facility" means any structure, building, source, equipment, installation or operation (or combination thereof) which is located on one or more contiguous or adjacent properties which are owned or operated by the same person (or are controlled by or under common control of the same person).

(6) "Source" means an identifiable piece of process equipment. A facility is composed of one or more pollutant-emitting sources.

(7) "Reconstruction" means the replacement of components of an existing facility or source to such an extent that the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility or source. Reconstruction of a source or facility shall be considered as a new source for purposes of this section except that use of an alternative fuel or raw material by reason of an order in effect under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act shall not be considered reconstruction.

(8) "Best available control technology" means an emission limitation (including a visible emission standard) or equipment standard based on the maximum degree of reduction of each pollutant subject to regulation under these Standards and Regulations, emitted from or which results from any major emitting facility or major modification which the Administrator, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source through application of production processes and available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design, equipment, work practice or operational standard or combination thereof requiring the application of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice, or operation and shall provide for compliance by means which achieve equivalent results. Application of BACT shall not result in emissions in excess of those allowed under Section 22 of these Regulations.

(9) "Fixed capital cost" means the capital needed to provide all the depreciable components.

(10) "Baseline concentration" means that ambient concentration level reflecting actual air quality as of August 7, 1977, minus any contribution from major emitting facility and/or major modifications on which construction commenced on or after January 6, 1975. The baseline concentration shall include contribtuions from:

(a) The actual emissions of other facilities in operation on August 7, 1977.

(b) The allowable emissions of major emitting facilities and major modifications which commenced construction before January 6, 1975, but were not in operation by August 7, 1977.

(11) "Major modification" means any physical change in, change in the method of operation of, or addition to a facility which increases the potential emission rate of any air pollutant regulated under these regulations (including any not previously emitted and taking into account all accumulated increases in potential emissions occurring at the facility since regulations were approved under this section, or since the time of the last construction approval issued for the facility pursuant to such regulations under this section, whichever time is more recent, regardless of any emission reductions achieved elsewhere in the facility) by either 100 tons per year or more for any facility category identified under the definition of "major emitting facility" or by 250 tons per year or more for any major emitting facility.

(a) A physical change shall not include routine maintenance, repair and replacement.

(b) A change in the method of operation, unless previously limited by enforceable permit conditions, shall not include:

(i) An increase in the production rate, if such increase does not exceed the operating design capacity of the facility;

(ii) An increase in the hours of operation;

(iii) Use of an alternative fuel or raw material by reason of an order in effect under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), or by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act;

(iv) Use of an alternative fuel or raw material, if prior to January 6, 1975, the facility was capable of accommodating such fuel or material;

(v) Change in ownership of the facility.

(12) "Potential emissions" means those emissions expected to occur under maximum capacity circumstances in the absence of air pollution control equipment. "Air pollution control equipment" includes control equipment which is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation. Annual potential shall be based on the maximum annual rated capacity of the facility, unless the source is subject to enforceable permit conditions which limit the annual hours of operation. In such a case where enforceable permit conditions which limit the annual hours of operation exist, then annual potential emissions shall be based upon such enforceable permit conditions. Enforceable permit conditions on the type or amount of materials combusted or processed may be used in determining the potential emission rate of a facility.

(13) "Fugitive dust" means particulate matter composed of soil which is uncontaminated by pollutants resulting from industrial activity. Fugitive dust may include but not be limited to emissions from haul roads, wind erosion of exposed soil surfaces and soil storage piles, and other activities in which soil is either removed, stored, transported, or redistributed.

b. Any person who plans to construct any major emitting facility or a major modification of an existing facility which may have the potential to cause the issuance of or an increase in the issuance of any air pollutant shall be subject to the conditions outlined below. These requirements apply only to those pollutants which cause the facility to be a "major emitting facility".

(1)(a) The review of the facility for the construction or modification permit(s) required under Section 21 of these regulations shall apply and shall be expanded so as to include analysis of the predicted impact of the emissions from the facility on the ambient air quality in areas affected by such emissions. The impact of the emissions from the facility shall be defined as the algebraic summation of (1) the predicted impact of emissions from the facility under consideration, (2) the predicted impact of emissions from other facilities constructed or modified in such area subsequent to January 6, 1975, (3) the impact of any reduction in emissions subsequent to January 6, 1975, and (4) the predicted impact on the ambient air quality of all general growth in such area subsequent to January 6, 1975, including that ~~which is attributable to~~ the location of these new facilities in the area. A permit to construct pursuant to Section 21 shall be issued only if the conditions of Section 21 are complied with and if the predicted impact of emissions defined above is less than the maximum allowable increment shown in Table I for the classification of the area in which the impact is predicted and if the ambient standard for the pollutant(s) is not exceeded.

(b) In addition to the analyses required under (1)(a) above,

(i) The owner or operator shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the facility or modification and general commercial, residential, industrial, and other growth associated with the facility or modification. The owner or operator need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

(ii) The owner or operator shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial and other growth associated with the facility or modification.

(c) The requirements for demonstration of compliance with applicable increments of paragraph (1)(a) and the additional analysis requirements of paragraph (1)(b) above shall not apply to a proposed major emitting facility or modification if the Administrator determines that:

(i) The increase in allowable emissions of that pollutant from the facility or modification would impact no Class I area and no area where an applicable increment is known to be violated; and

(ii) The increase in allowable emissions of that pollutant from the facility would be less than 50 tons per year, 1,000 pounds per day, or 100 pounds per hour, whichever is most restrictive; or

(iii) The emissions of the pollutant are of a temporary nature including but not limited to those from a pilot plant, a portable facility, construction, or exploration; or

(iv) A facility is modified, but no increase in the net amount of emissions for any pollutant subject to a national ambient air quality standard and no adverse air quality impact would occur.

The hourly rate set in paragraph (c)(ii) above shall apply only with respect to a pollutant for which an increment, or natural ambient air quality standard for a period of less than 24 hours has been established.

In determining for the purpose of paragraph (c)(ii) above whether and to what extent the facility or modification would increase allowable emission, there shall be taken into account no emission reductions achieved elsewhere at the facility.

In determining for the purpose of paragraph (c)(iv) above whether and to what extent there would be an increase in the net amount of emissions of any pollutant subject to a national ambient air quality standard from the facility which is modified, there shall be taken into account all emission increases and decreases occurring at the facility since August 7, 1977.

(d) The impact analyses of paragraphs b.(1)(a)&(b) shall not apply to a major emitting facility or major modification with respect to emissions from it which the owner or operator has shown to be fugitive dust. However, the requirements relating to BACT in paragraph (2)(a) below shall apply.

(2)(a) The required permit shall not be issued unless the proposed facility would meet an emission limit(s) or equipment standard(s) specified by the reviewing authority to represent the application of Best Available Control Technology for each pollutant regulated under these Standards and Regulations. However, if the increase in allowable emissions of that pollutant from the facility would be less than 50 tons per year, 1,000 pounds per day, or 100 pounds per hour, whichever is most restrictive, the requirement for application of Best Available Control Technology shall not apply. For phased construction projects, the determination of BACT shall be reviewed and modified as appropriate at the latest, most reasonable time prior to commencement of each phase of the proposed source.

(i) The preceding hourly rate shall apply only with respect to a pollutant for which an increment, or national ambient air quality standards, for a period less than 24 hours has been established.

(ii) In determining whether and to what extent a modification would increase allowable emissions, there shall be taken into account no emission reductions achieved elsewhere at the facility.

(b) In the case of a modification, the requirements for best available control technology shall apply only to each new or modified source which would increase its allowable emissions of an applicable pollutant.

(c) Where an existing source would be modified but not reconstructed, the requirements for best available control technology, notwithstanding the requirements of paragraph (2)(a) above, shall not apply if no net increase in emissions of an applicable pollutant would occur at the facility, taking into account all emission increases and decreases accompanying the modification, and no adverse air quality impact would occur.

(3) Temporary emissions such as those associated with the construction phase of the source shall not be included in the determination on the issuance or denial of a required permit and shall not be taken into account when determining compliance with the maximum allowable increments in Table I. However, Best Available Control Technology shall be applied to abate such temporary emission.

(4) The assessment of the predicted impact of emissions required under paragraph b.(1) above shall be based on Air Quality models and data bases approved by the Administrator. Upon request from an applicant, the Administrator will make a determination as to acceptability of proposed models and data bases. In general, the dispersion models defined in the EPA document, "Guidelines for Air Quality Models" may be used. However, due to the potential for complex terrain and meteorological situations in Wyoming, the Administrator may require appropriate modification or substitutions to those models defined in "Guidelines for Air Quality Models". Public Notice of such modifications or substitution will be made and comments solicited prior to approval. Such public notice shall also be sent to the Administrator of the U.S. EPA for approval. Such approval of model modification or substitution is required except that if the state determines that a model is warranted which predicts higher incremental impacts, such approval is not required. The time incurred for such public notice and approvals outlined above shall not be included as part of the time frame specified in Section 21f.

Table 1

Maximum Allowable Increments of Deterioration - $\mu g/m^3$

Pollutant	Class I	Class II	Class III
Particulate Matter:			
Annual geometric mean	5	19	37
24-hour maximum*	10	37	75
Sulfur Dioxide:			
Annual arithmetic mean	2	20	40
24-hour maximum*	5	91	182
3-hour maximum*	25	512	700

*Maximum allowable increment may be exceeded once per year at any receptor site.

(5) In any case where the federal official charged with direct responsibility for management of any lands within a Class I area, or the Administrator of EPA or the governor of an adjacent state containing such a Class I area files a notice alleging that emissions from a proposed major emitting facility may cause or contribute to a change in the air quality in such area and identifying the potential adverse impact of such change, a permit shall not be issued unless the owner or operator of such facility demonstrates to the satisfaction of the Administrator that emissions of particulate matter and sulfur dioxide will not cause or contribute to concentrations which exceed the maximum allowable increases for the Class I area in question.

(6) In any case where a federal land manager demonstrates to the satisfaction of the Administrator that the emissions from such facility will have an adverse impact of the air quality-related values (including visibility) of such Class I areas, notwithstanding the fact that the change in air quality resulting from emissions from such facility will not cause or contribute to concentrations which exceed the maximum allowable increases for a Class I area, a permit shall not be issued.

(7) In any case where the owner or operator of such facility demonstrates to the satisfaction of the federal land manager, and the federal land manager so certifies, that the emissions from such facility will have no adverse impact on the air quality-related values of such Class I areas (including visibility) notwithstanding the fact that the change in air quality resulting from emissions from such facility will cause or contribute to concentrations which exceed the maximum allowable increases for Class I areas, the Administrator may issue a permit.

(8) In the case of a permit issued pursuant to subsection (7), such facility shall comply with such emission limitation under such permit as may be necessary to assure that emissions of sulfur oxides and particulates from such facility, will not cause or contribute to concentrations of such pollutant which exceeds the following maximum allowable increases over the baseline concentration for such pollutants:

	Maximum allowable increase (micrograms per cubic meter)
Particulate matter:	
Annual geometric mean	19
Twenty-four-hour maximum	37
Sulfur dioxide:	
Annual arithmetic mean	20
Twenty-four-hour maximum	91
Three-hour maximum	325

(9)(a) In any case where the owner or operator of a proposed major emitting facility who has been denied a certification under subparagraph (7) demonstrates to the satisfaction of the Governor of Wyoming (hereinafter the Governor), after notice and public hearing, and the Governor finds, that the facility cannot be constructed by reason of any maximum allowable increases for sulfur dioxide for periods of twenty-four hours or less applicable to any

Class I area and, in the case of federal mandatory Class I areas, that a variance under this clause will not adversely affect the air quality related values of the area (including visibility), the Governor, after consideration of the federal land manager's recommendation (if any) and subject to his concurrence, may grant a variance from such maximum allowable increase. If a variance is granted, a permit may be issued to such source pursuant to the requirements of this subparagraph.

(b) In the case of a permit issued pursuant to subparagraph (9)(a), such facility shall comply with such emission limitations under such permit as may be necessary to assure that emissions of sulfur oxides from such facility will not (during any day on which the otherwise applicable maximum allowable increases are exceeded) cause or contribute to concentrations which exceed the following maximum allowable increases for such areas over the baseline concentration for such pollutant and to assure that such emissions will not cause or contribute to concentrations which exceed the otherwise applicable maximum allowable increases for periods of exposure of 24 hours or less on more than 18 days during any annual period:

Maximum Allowable Increase

Period of exposure:	Micrograms per cubic meter
Low terrain areas:	
24-hr maximum	36
3-hr maximum	130
High terrain areas:	
24-hr maximum	62
3-hr maximum	221

For purposes of this subsection, the term "high terrain area" means with respect to any facility, any area having an elevation of 900 feet or more above the base of the stack of such facility, and the term "low terrain area" means any area other than a high terrain area.

(10) Notwithstanding other requirements of this section, a portable facility which is a major emitting facility and which has otherwise received a construction permit under Section 21 or this section shall not be required to obtain additional relocation permits under this section if:

(i) Emissions from the facility would not exceed allowable emissions; and

(ii) Such relocation would impact no Class I area and no area where an applicable increment is known to be violated; and

(iii) Notice is given to the reviewing authority at least 30 days prior to such relocation identifying the proposed new location and the probably duration of operation at such location.

c. All national parks, national wilderness areas, and national memorial parks in Wyoming as of the effective date of this Regulation shall be designated Class I and may not be redesignated. All other areas of the state shall

be designated Class II as of the effective date of this regulation.

d. Redesignation. All redesignation of areas within the state shall be accomplished through the process of establishment of Regulations and Standards set forth in the Wyoming Environmental Quality Act.:

(1) The following areas may be redesignated only as Class I or Class II areas:

(a) An area which exceeds 10,000 acres in size and is a national monument, a national primitive area, a national preserve, a national recreation area, a national wild and scenic river, a national wildlife refuge, a national lakeshore, and

(b) A national park or national wilderness area which exceeds 10,000 acres in size and is established after the effective date of this regulation.

(2) Except as provided in paragraph c. above, any area may be redesignated as Class I or II in accordance with the provisions of paragraph 3 below: Provided, however, that lands within the exterior boundaries of reservations of federally recognized Indian tribes may be redesignated only by the appropriate Indian governing body.

(3)(a) At least one public hearing must be held in accordance with the provisions for adoption of Regulations as set forth in the Administrative Procedures Act and the Wyoming Environmental Quality Act.

(b) At least 30 days prior to the public hearing, a description and analysis of the health, environmental, economic, social and energy effects of the proposed redesignation shall be prepared and made available for public inspection. Any person petitioning the Department or Council to redesignate an area shall be responsible for preparing or submitting such description and analysis. Such persons shall also be responsible for revising this required documentation to the extent necessary to satisfy the Administrator of the U.S. EPA.

The notice of the public hearing shall contain appropriate notification of the availability of the description and analysis of the proposed redesignation.

(c) Agencies from neighboring states, Indian governing bodies, federal land managers, and local governments whose lands may be affected by the proposed redesignation shall be notified at least 30 days prior to the hearing.

(d) Prior to proposing a redesignation, the Division and the Air Quality Advisory Board shall consult with the elected leadership of local and other substate general purpose governments in the area covered by the redesignation.

(e) Prior to public notice of the proposed redesignation, the Division shall provide written notice to any federal land manager who may

be responsible for any federal lands within the area proposed for such redesignation and shall afford adequate opportunity (but not in excess of 60 days) to confer with the state respecting the intended notice of designation. The federal land manager shall be offered the opportunity to submit written comments and recommendations with respect to such intended notice of redesignation. In redesignating any area with respect to which the federal land manager has submitted written comments and recommendations, the Division will publish a list of any inconsistency between such redesignation and such recommendation with an explanation of such inconsistency (together with the reasons for making such redesignation against the recommendation of the federal land manager).

(f) The Council shall review and examine the description and analysis prepared pursuant to subparagraph (3)(b) above prior to any redesignation.

(4) Except as provided in paragraphs c. and d.(1) above, any area may be redesignated as Class III in accordance with the provisions of paragraph 5 below: Provided, however, that lands within the exterior boundary of reservations of federally recognized Indian tribes may be redesignated only by the appropriate Indian governing body.

(5)(a) The requirements of paragraph d.(3) above must be fulfilled.

(b) Such redesignation must be specifically approved by the Governor of Wyoming after consultation with the appropriate committees of the Legislature if it is in session or with the leadership of the Legislature if it is not in session and general purpose units of local government representing a majority of the residents of the area so designated must enact legislation (or resolutions where appropriate) concurring with the state's redesignation.

(c) It must be shown in the description and analysis that such redesignations will not cause or contribute to a concentration of any air pollutant which will exceed any maximum allowable increase permitted under the classification of any other area or any maximum allowable concentration.

(d) Prior to the public hearing on redesignation of an area, the Division shall make available, insofar as is practicable, for public inspection any specific plans for any new major emitting facility or major modification which may be permitted to be constructed and operated only if the area in question is redesignated as Class III.

(6)(a) If an area has been proposed for redesignation to a more stringent class, no permit to construct may be granted to a facility which may cause an impact in the area proposed for redesignation and for which an application to construct is received by the Division after the filing of the petition for redesignation with the Environmental Quality Council until the proposed redesignation has been acted upon. However, approval may be granted if, in the Administrator's judgment the proposed source would not violate the applicable increments of the proposed redesignation. Such approval shall be withheld only so long as in the Administrator's judgment, the petitioner is expeditiously proceeding toward development of the "description and analysis" required under (3)(b) above, and provided that such "description and analysis"

is complete and submitted to the Council for action on the petition within 18 months of the filing of the initial petition. Upon good cause shown, the Council may extend the foregoing deadline.

(6)(b) Where an application for a permit to construct a facility has been received by the Division prior to the receipt by the Council of a petition for redesignation of an area to a more stringent class and where such facility may cause an impact in the area proposed for redesignation, the permit application shall be processed considering the classification of an area which existed at the time or permit application. For purposes of establishing a priority date under this Section, 24d.(6)(b), (1) such permit application is not required to meet the provisions for completeness in Section 21, and (2) the time frames in Section 21(g) for action on applications shall not apply.

However, a priority date established under this Section, 24d.(6)(b), shall remain in effect only so long as in the Administrator's judgment, the applicant is expeditiously proceeding toward the development and submittal of such other information and data as required to make the application complete under the provisions of Section 21, and provided that such other information and data is submitted to, and judged to be complete by the Administrator within 18 months of the filing of the initial permit application. Upon good cause shown, the Administrator may extend the foregoing deadline.

Section 25. Sweetwater County Non-Attainment Area Particulate Matter Regulations.

a. Notwithstanding other provisions in these Regulations concerning the emission of particulate matter or required fugitive dust control measures, the requirements and emission limitations set forth in sub-sections 25.b.&c. for the specific sources and activities enumerated are applicable. Sources and/or activities which cause particulate matter to be emitted into the air and which are not addressed in this section are subject to the requirements of other sections.

b. Point Source Particulate Matter Emission Rate Allowables: The following tables specify the maximum allowable particulate matter emission rate for each of the listed sources. The emission of particulate matter is measured as specified in Section 14.h.(4) of these Regulations.

(1) Stauffer Chemical Company of Wyoming, Green River Soda Ash Plant.

Source Description	Allowable Emission Rate lb/hr
#1 Boiler	3.00
#2 Boiler	3.00
#3 Boiler	N.A.
#4 Boiler	7.50
#5 Boiler	8.62
#6 Boiler	7.50
ES-1	30.6
2ES-2	27.3
3ES-1	29.2
3ES-2	34.5
4SC-2	51.6
4SC-3	5.2
4SC-4	52.6
4ES-201	23.1
Phase II Dryer-Cooler	12.0

(2) Allied Chemical Corporation, Green River Works.

Source Description		Allowable Emission Rate lb/hr
Crusher Building	GR-I-A	3.0
Prod. Loading	GR-I-B(1)	3.0
Prod. Loading	GR-I-B(2)	3.0
Calciner #1	GR-I-C	20.0
Calciner #2	GR-I-D	25.0
Calciner #3	GR-I-E	20.0
Dryer #1	GR-I-F	4.0
Dryer #2	GR-I-G	4.0
Dryer #3	GR-I-H	4.0

. (2) Allied Chemical Corporation, Green River Works (Continued).

Source Description		Allowable Emission Rate lb/hr
Housekeeping (North)	GR-I-J(1)	2.0
Housekeeping (South)	GR-I-J(2)	2.0
Product Cooler	GR-I-K	2.0
Coal Handling Tunnel	CH-1	1.7
Coal Handling Gallery	CH-2	1.0
Ore Bin Gallery	GR-II-A	3.0
Product Storage	GR-II-B	4.0
Calciner #4	GR-II-C	20.0
Calciner #5	GR-II-D	20.0
Dissolver #1	GR-II-E-1	3.0
Dissolver #2	GR-II-E-2	3.0
Dryer #4	GR-II-F	4.0
Dryer #5	GR-II-G	4.0
Dryer #6	GR-II-H	4.0
Housekeeping	GR-II-J	10.0
Product Cooler	GR-II-K	3.0
Lime Storage	GR-II-O	0.1
Reclaim Ore System	RO-1	1.4
Crusher	GR-III-A	3.0
Ore Conveyor	GR-III-B	1.0
Ore Gallery	GR-III-C	1.0
Calciner #1	GR-III-D	37.9
Calciner #2	GR-III-E	37.9
Dissolver #1 (East)	GR-III-F	2.0
Dissolver #2 (West)	GR-III-G	2.0
Filter Aid	GR-III-H	NIL
Dryer #1	GR-III-K	1.5
Dryer #2	GR-III-L	1.5
Dryer #3	GR-III-M	1.5
Dryer #4	GR-III-N	1.5
Dryer #5	GR-III-P	1.5
Dryer Vent	GR-III-R	2.0
Prod. Cooler #1	GR-III-S	1.0
Prod. Cooler #2	GR-III-T	1.0
Housekeeping #1	GR-III-U	3.0
Housekeeping #2	GR-III-V	3.0
Crusher	A-305	2.0
Crusher	A-309	2.0
"C" Boiler	GR-II-L	50.0
"D" Boiler	GR-III-W	80.0

(3) FMC Corporation, Green River.

Source Description		Allowable Emission Rate lb/hr
Crusher	PA-4;PA-5	2.5
Dissolver	PA-6	1.0
Dissolver	PA-7	1.0
Dissolver	PA-8	1.0
Dissolver	PA-9	1.0
Sesqui Dryer	RA-1	10.0
Dust Collector	RA-2	2.0
Calciner	RA-13	8.0
Calciner	RA-14	4.0
Calciner	RA-15	4.0
Calciner	RA-16	4.0
Calciner Scrubber	RA-22	35.0
Calciner Scrubber	RA-23	35.0
Calciner Scrubber	RA-24	45.0
Fluid Bed Calciner	RA-25	26.5
Dust Collector	RA-27	3.0
Dust Collector	RA-33	3.0
Phosphorus Furnace	PP-12	15.0
Spray Dryer	PP-21	28.0
Dust Collector	PP-24	4.0
Calciner	PP-25	15.0
Dust Collector	PP-26	2.0
Dust Collector	PP-27	2.0
Trona Calciner	NA-2	3.0
Dust Collection	NA-3	10.0
Cooler	NA-5	6.0
Dust Collection	Mono 2	2.6
Dust Collection	Mono 3	1.3
Dust Collection	Mono 4	2.0
Calciner	Mono 5	53.0
Dryer	Mono 6	20.0
Dust Collection	Mono 7	2.0
Dust Collection	Mono 8	1.9
Dust Collection	NS-2	0.5
Calciner	NS-3	41.0
Crusher	NS-4	1.0
Dissolver	NS-5	2.7
Dryer	NS-6	20.0
Coal Dust Collection	NS-7	.5
Coal Dust Collection	NS-8	.5
Coal Dust Collection	NS-9	.5
Gas/Oil Boiler	PH-1	8.4
Gas/Oil Boiler	PH-2	4.2
Gas/Oil Boiler	PH-3	8.4
Gas/Oil Boiler	Mono I	7.5
Coal Boiler	NS-1A	45.0
Coal Boiler	NS-1A	45.0

(4) Church and Dwight Company.

Source Description		Allowable Emission Rate lb/hr
Soda Ash Unloading	SA	3.0
Throwing Box Scrubber	TB	2.0
Jeffrey Dryer Scrubber	JD	3.0
#1 Process Dryer	1PD	2.0
#2 Process Dryer	2PD	5.0
#3 Process Dryer	3PD	2.0
#1 House Dust System	1HDS	2.0
#2 House Dust System	2HDS	2.0
#3 House Dust System	3HDS	2.0

c. Fugitive Dust Controls. The following subparagraphs specify fugitive dust control measures required for the delineated activities and sources and the schedules for completion of such measures. If, at any time, the Administrator is satisfied that the applicable suspended particulate matter standards have been attained and will be maintained, uncompleted programs may be completed at the option of the owner of the facility if failure to complete same will not in the opinion of the Administrator adversely affect such attainment status.

(1) Allied Chemical, Green River.

Unpaved Roads - Pave all roads in facility area that encounter frequent traffic and maintain such roads in a clean condition through the use of a vacuum sweeper as required. Complete: November 30, 1980.

Distressed Area - Reclaim the distressed area outside the east fence or apply suitable soil binders. Complete: December 1, 1981.

Coal Stockpile - The active coal stockpile is to be enclosed or a dust suppression system installed and used during periods of activity. Complete: December 31, 1982.

Equipment Movement - Equipment movement around the periphery of the trona stockpile should be further reduced. Complete: June 1, 1979.

(2) FMC Corporation.

Coal Stockpile -

(a) Fugitive dust emissions from the coal stockpile are to be eliminated to the extent necessary for the attainment of ambient Air Quality Standards. This is to be accomplished through the elimination of the coal stacker and stockpile with the unloading of the railroad cars directly into boiler silos or through the construction of a structure to totally enclose the stockpile.

(b) Alternatively, FMC may at its option undertake an abatement program which utilizes spray systems, materials handling programs, foam, or other types of quickly implementable controls for fugitive dust emissions from the coal stockpile area coupled with a monitoring program designed to determine the success or failure of the abatement program in achieving the

applicable ambient Air Quality Standards.

(c) Under this alternative (b), FMC is required to undertake those actions necessary to assure that ambient air quality will comply with the applicable standards by January 1, 1982, even though the alternative in (b) may not be successful. Specifically, FMC is required to take those steps which are necessary so that the controls described in (a) above can be implemented by January 1, 1982, should the monitoring required under (b) above indicate, in the judgment of the Administrator, that the alternative controls implemented in (b) will be insufficient to achieve the necessary results.

Ore Stockpile - Install variable height booms so that the free fall distance of the ore is held to a minimum and install shroud (wind shield) to contain the ore as much as possible after it drops from the end of the boom. Complete: Sesqui Areas - January 1, 1981; Mono Areas - April 1, 1981.

Loadout Facilities - All product loadout facilities are to be equipped with hoods around product chutes of adequate size to cap hatches of slot top or hatch top rail cars. The resultant dust generated due to displacement shall be aspirated to adequate dust collectors. The above requirements also apply to any truck bulk product loadout facilities. Complete: July 1, 1982.

Unpaved Roads - All unpaved roads that encounter frequent traffic in the facility area shall be paved and maintained in a clean condition through the use of a vacuum sweeper as required. Infrequently traveled roads are to be treated with oil or other suitable dust suppressants. Complete: October 1, 1980.

Overflow Chutes - Overflow or spillover chutes which discharge in the open, are to be eliminated or emptied into closed containers. Chutes for housekeeping purposes are to be eliminated and replaced with a vacuum dust system that utilizes a dust collector. Complete: October 1, 1980.

(3) Stauffer Chemical, Green River.

Ore Stockpile - Install and utilize a variable height boom so that the free fall distance of the ore is held to a minimum. A shroud (wind shield) to contain the ore as much as possible after it drops from the end of the boom is to be installed and utilized. Complete: July 1981.

Product Loadout - Rail loadout facilities are to be equipped with hoods around product chutes of adequate size to cap hatches of slot and portal top rail cars. The resultant dust generated due to displacement should be aspirated to adequate dust collectors. The above requirements will also apply to any truck bulk product loadout facilities. Maintenance or redesigning of existing baghouse collectors will also be necessary at these facilities. Complete: September 1982.

Product Handling and Storage - Product silo vents are to be equipped with dust collectors. Proper maintenance and/or redesign of existing dust collectors is also required in this area. Complete: September 1982.

Crusher Area - The removing of accumulated dust from crusher building by sweeping or dumping the material outside the building is to be eliminated. Housekeeping chores in this area as well as other areas are to be accomplished by the use of a vacuum system and dust collector. Existing baghouse collectors are to be properly maintained and if necessary other control measures installed and utilized at all transfer points in and around the crusher area. Complete: September 1982.

Overflow Chutes - Overflow or spill over chutes which discharge in the open are to be eliminated or emptied into closed containers. Complete: March 1979.

Unpaved Roads - All roads within the facility area that encounter frequent traffic are to be paved and maintained in a clean condition through the use of a vacuum sweeper as required. All other less frequently used roads are to be treated with oil or other suitable dust suppressants. Complete: September 1982.

Distressed Areas - Distressed areas to the south of the facility which contain distressed product piles and tailing pond dredgings are to be reclaimed and treated with dust suppressants. Complete: September 1979.

CHAPTER II

RULES OF PRACTICE AND PROCEDURE
BEFORE THE WYOMING AIR RESOURCES COUNCIL

(15.0) Section 1. Authority.

These Rules of Practice and Procedure are promulgated pursuant to Section 35-491(a), Wyoming Statutes 1957 as amended, and Sections 9-276.20 and 9-276.21, Wyoming Statutes 1957 as amended.

(1.0) Section 2. Definitions.

By reference all of the definitions set forth and contained in Section 35-489, Wyoming Statutes 1957 as amended, are incorporated herein. In addition, the following definitions are set forth:

a. "Administrator" - Director of the Division of Industrial Hygiene, Wyoming State Department of Public Health.

b. "Chairman" - The Chairman of the Wyoming Air Resources Council. In this capacity he shall act as chief hearing officer and spokesman for the Council in all hearings.

c. "Contestee" - Any person, firm or corporation who appeals from an order of a division of the Wyoming Department of Public Health under the provisions of Section 35-495, Wyoming Statutes 1957 as amended.

d. "Council" - The Wyoming Air Resources Council as created and defined by Section 35-490, Wyoming Statutes 1957 as amended.

e. "Interested Party" - Any person, firm or corporation whose legal rights, obligations and privileges may be affected by any action of the Department of Public Health or the Council.

f. "Party" - Any Contestee or interested party as defined by these rules.

(16.0) Section 3. Initiation of Proceedings.

a. All appeals to the Council pursuant to the terms of Section 35-495, Wyoming Statutes 1957 as amended, shall be initiated by the Contestee pursuant to said Section 35-495, and Section 4 of these Rules.

b. All other hearings held before the Council pursuant to Section 35-491 (e), Wyoming Statutes 1957 as amended, may be initiated by the Administrator, interested parties, or the Council on its own motion. Said hearings shall be initiated pursuant to Section 4 of these Rules.

c. All hearings requested by petition pursuant to Section 3b of these Rules will be subject to dismissal upon the sole discretion of the Council.

(3.0) Section 4. Petition Required.

All hearings requested before the Council pursuant to Section 3 of these Rules shall be based upon a formal petition. The petition shall be filed in the Administrator's office in the State Office Building, Cheyenne, Wyoming, and shall have the following format:

a. The name and address of the petitioning party.

b. A statement in ordinary and concise language of the facts on which the petition is based, including, whenever applicable, particular reference to statutory sections and/or rules, regulations and orders involved.

c. A statement setting forth the appropriate relief sought.

(2.0) Section 5. Liberal Construction.

These Rules shall be liberally construed to secure a just, speedy and inexpensive determination of the issues presented.

(2.0) Section 6. Service of Notice.

Within twenty (20) days after receipt of a petition, the Administrator shall serve upon Contestee and interested parties of record, or their authorized attorneys or agents, a full, true and correct copy of the petition. Said service may be made either personally or by publication, as follows:

a. Personally. Said service, if made by a sheriff, constable or other official, shall be made in the manner prescribed by the Wyoming Rules of Civil Procedure. Said service may be made by any person not an officer, who is of lawful age and not a party in interest. Return of such service shall be made by the certification of the officer who made such service, or if made by a person other than an officer, by his affidavit. Such return of service must be filed with the Administrator prior to the commencement of the hearing.

b. Publication. Upon publication, if it is determined by the Administrator upon filing of a petition that personal service may not be made, and all of the parties involved in the proceedings are within the State of Wyoming, service may be made by one publication in a newspaper published in the county where the hearing shall be held. Following the publication of such notice, the Administrator shall mail a true and correct printed copy of any such notice by certified mail to the last known post office address of the parties involved. Evidence of such service shall be kept and retained by affidavit to be filed by the Administrator as a part of these proceedings.

(2.0) Section 7. Docket.

When a proceeding is instituted by filing a petition, the Administrator shall assign it a number and include the date of its filing on a separate

page of a docket provided for such purpose. The Administrator shall establish a separate file for each such docketed case in which shall be systematically placed all papers, pleadings, documents, transcripts and evidence pertaining thereto and all such items shall have noted thereon the docket number assigned and the date of filing.

(2.0) Section 8. Default in Answering or Appealing.

In the event of failure of any party to answer or otherwise appear within the time allowed, and provided that the foregoing rules as to service have been complied with, the party so failing to answer or otherwise plead or appear shall be considered in default, and the allegations of the petition shall be taken as true.

(16.0) Section 9. Pre-Hearing Conference.

In the descretion of the Council and upon request of any party a pre-hearing conference shall be held pursuant to the scope and procedure of Rule 16 of the Wyoming Rules of Civil Procedure. However, in no event will such pre-hearing conference be held later than ten (10) days before the hearing. All references in Rule 16 to the "Court" shall be deemed to refer to the "Council." In addition, all references in said rule to "Trial" shall be deemed to refer to "Hearing."

(16.0) Section 10. Hearing.

At the date, time and place of hearing as directed by the Council, and in accordance with the notice given, the Council shall hear all matters presented. All issues set forth in the petition shall be presented by the Administrator or an agent acting on behalf of the Administrator, as designated by the Administrator. Any Contestee or interested party may be represented personally or by counsel, provided that such counsel are duly authorized to practice law in the State of Wyoming or are otherwise associated with one or more attorneys who are authorized to practice law in the State of Wyoming.

(16.0) Section 11. Order of Procedure at Hearing.

As nearly as may be, hearings shall be conducted in accordance with the following order of procedure:

a. The Chairman of the Council shall announce that the hearing is convened upon the call of the docket number and title of the matter in the case to be heard; and thereupon the Chairman shall direct the Administrator to read the petition into the record, and shall note for the record all subpoenas issued, and all appearances of record, including contestees, interested parties and their counsel of record.

b. All witnesses who are present to give testimony in the hearing shall arise, identify themselves, indicate on whose behalf testimony will be given, and be sworn by the Chairman. Opening statements may be based upon the discretion of the Chairman and Council.

c. The Administrator or his agent, counsel or representative shall proceed to present the Administrator's evidence. The Contestee may make presentations in the same manner as the Administrator's evidence, witnesses and exhibits have been heard and presented. In addition in the discretion of the Council interested parties may also make presentations in the same manner as the Administrator's evidence, witnesses and exhibits have been heard and presented. Witnesses may be cross-examined by both Administrator and Contestee. In the discretion of the Council interested parties may also cross-examine the witnesses. All exhibits offered by and on behalf of the Administrator shall be marked by letters of the alphabet beginning with "A." Each contestee's or interested party's exhibits shall be marked separately so as to identify the respective exhibits, commencing with the numeral designation 1-A for the first contestee, and 1-B for the next, 1-C for the next and so on for each contestee and interested party.

d. Any member of the Council, the Attorney General or a representative of his staff, may examine and cross-examine any and all witnesses.

e, The Chairman may, in his discretion, allow evidence to be offered out of the order as herein described.

f. Closing statements may be permitted at the discretion of Council. Time for such closing statements may be limited. No rebuttal statements may be made by any of the parties to the proceedings.

g. In addition to statements, testimony and documents introduced by the Administrator and Contestee, the Council may permit, in its discretion, all interested parties, as defined by these Rules, an opportunity to submit oral and written statements for the record. These statements will be limited to narrative form only, in compliance with Rule 10c. In no event will direct testimony or cross-examination be permitted by interested parties.

h. After all participants have been offered an opportunity to be heard, the Chairman shall excuse all witnesses and declare the evidence closed. The evidence in the case may be reopened at a later date for good cause shown by order of the Chairman, either upon his own motion or upon the motion of any party to the proceedings.

i. The Contestee or other interested parties to the proceedings may tender written legal briefs, either upon their own motions, or upon request of the Council. The Chairman will declare that the case is to be taken under advisement and that its decision and order will be announced.

(2.0) Section 12. Applicability of the Rules of Civil Procedure.

The Rules of Civil Procedure of the State of Wyoming, insofar as the same may be applicable and not inconsistent with the laws of the State of Wyoming and these Rules shall apply to matters before the Council.

(2.0) Section 13. Attorneys.

All persons appearing before the Council in a hearing, or persons who have filed an answer or made other appearance, have the right to represent themselves or be represented by an attorney of their choice. However, no attorney will be permitted to make statements, examine or cross-examine witnesses on behalf of any party unless such attorney is licensed to practice law in the State of Wyoming; or if not licensed to practice law in the State of Wyoming, such attorney shall be associated with a Wyoming attorney qualified to practice law in the State of Wyoming. These Rules shall not be construed to prohibit any person from representing himself in any hearing before the Council. However, any person appearing personally must abide by these Rules and the Rules of Civil Procedure, and the rules of evidence under the laws of the State of Wyoming.

(16.0) Section 14. Attorney General to Assist in Hearings.

In all matters before the Council, the Attorney General of Wyoming or a representative of his staff shall be present throughout the hearing to assist and advise the Council.

(16.0) Section 15. Reporting Testimony and Compensation of Reporter.

In all hearings held pursuant to the Act and these Rules and Regulations, all testimony shall be reported verbatim stenographically or by other appropriate means determined by the Council. The hourly cost for such reporting may be assessed as costs to any parties appearing in the hearing as directed by the Chairman.

(2.0) Section 16. Decisions, Findings of Fact, Conclusions of Law, Orders.

The Council shall, following a full and complete hearing, make and enter a written decision and order containing findings of fact and conclusions of law based upon the evidence, both testimonial and documentary, introduced and admitted, in addition to all matters officially noticed. Such decision, findings of fact, conclusions of law and order shall be filed with the Administrator and will, without further action, become the decision, findings and order as a result of the hearing. The Administrator shall, upon receipt of any decision, finding and order, send a copy to all parties involved, postage prepaid.

(2.0) Section 17. Appeals to District Court.

Appeals to the district court from decisions of the Council are governed by Section 9-276.36, Wyoming Statutes 1957 (Laws 1965) and Rule 72.1 of the Rules of Civil Procedure promulgated by the Supreme Court of the State of Wyoming.

(2.0) Section 18. Transcript in Case of Appeal.

In case of an appeal to the district court as above provided, the party appealing shall secure and file a transcript of the testimony and all

other evidence offered at the hearing, which transcript must be verified by the oath of the reporter who took the testimony as a true and correct transcript of the testimony and other evidence in the case. The compensation of the reporter for making the transcript of the testimony and all other costs involved in such appeal shall be borne by the party prosecuting such appeal.

(2.0) Section 19. Rules not Applicable to Investigations.

Nothing contained herein, nor any rules herein announced, shall be applicable to investigations which may or might be carried on and conducted by the Administrator under the terms and provisions of Sections 35-493 and 35-495, Wyoming Statutes 1957 as amended.

(2.0) Section 20. Amendment of Rules.

Any amendments to these Rules shall become effective as provided by Sections 9-276.21 and 9-276.22, Wyoming Statutes 1957 as amended.